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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
Young-Taek Sul :
Application No. 10/562925 :
Filing or 371(c) Date: 12/30/2005 : **ON PETITION**
Attorney Docket Number: P57712 :

This is a decision on the "Petition Under 37 CFR 1.181," filed August 7, 2008, requesting this Office acknowledge the filing and receipt of the foreign priority documents. Applicant states that the Examiner failed to indicate acknowledgment of a claim to priority in the Notice of Allowance.

This Petition is **granted to the extent indicated herein.**

Applicant files the present petition and states that on December 30, 2005, Applicant filed a PCT application for the U.S. National Phase examination claiming all benefits of priority to PCT application PCT/KR2004/000460, filed March 4, 2004. Upon the filing of this PCT application for the U.S. National Phase examination, Applicant received a postcard receipt confirming receipt of copies of the International Publication and International Search Report. Applicant states that the Examiner failed to indicate acknowledgment of a claim of priority for PCT/KR2004/000460, filed March 4, 2004.

The following is copied from this Office's Web site posting of the American Inventor's Protection Act ("AIPA"), Q & A section:

CX1. When the National Stage of an International Application is entered as to the United States, should the first line of the specification be amended to recite the relationship of the National Stage to the International Application and/or should the language of publication of the International Application by the International Bureau be set forth? (Renumbered from C8)

Neither the relationship of a National Stage application to the International Application, nor the language of publication by the International Bureau should be set forth in the first line of the specification of the National Stage application. An International Application is not a prior application as to the National Stage (they are legally the same application), therefore amended 37 CFR 1.78(a)(2) does not apply.

Office records

A review of Office records reveal that the present application is the National Stage entry of PCT application PCT/KR2004/000460, filed March 4, 2004.

Analysis and conclusion

Because the present application is the National Stage entry of PCT application PCT/KR2004/000460, filed March 4, 2004, PCT application PCT/KR2004/000460 is not a prior application (they are legally the same application). Therefore, 37 CFR 1.78(a)(2), (claiming the benefit of one or more prior-filed copending nonprovisional applications or international applications designating the United States of America), does not apply.

The certified copy of PCT application PCT/KR2004/000460 has been received by this Office, and a claim for priority of the present application to PCT application PCT/KR2004/000460 does not apply since they are legally the same applications.

Telephone inquiries concerning this Decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
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